

**ASSEMBLY BILL**

**No. 2209**

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**Introduced by Assembly Member Hueso**

February 23, 2012

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An act to amend Sections 361.2, 366, and 16010.6 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2209, as introduced, Hueso. Juveniles: dependent children: placement.

(1) Existing law provides for the removal of children who are unable to remain in the custody and care of their parent or parents. When a court orders the removal of a child, under existing law, the court is required to order the care, custody, control, and conduct of the child to be under the supervision of a social worker who may make certain placements for the child. Existing law requires the status of dependent children to be periodically reviewed, and requires the court to consider the safety of the child and make certain determinations, including the continuing necessity and appropriateness of a dependent child's placement. Existing law requires, as soon as possible after a placing agency makes a decision with respect to a placement or a change in placement of a dependent child, the placing agency to notify the child's attorney and provide specified information.

This bill would prohibit the placement of any dependent child who is a United States citizen with any person, who is not a parent, outside the United States, as specified, prior to a judicial finding that the placement, by clear and convincing evidence, is in the best interest of the child.

By increasing the duties of social workers and county placing agencies, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 361.2 of the Welfare and Institutions  
2 Code is amended to read:

3 361.2. (a) When a court orders removal of a child pursuant to  
4 Section 361, the court shall first determine whether there is a parent  
5 of the child, with whom the child was not residing at the time that  
6 the events or conditions arose that brought the child within the  
7 provisions of Section 300, who desires to assume custody of the  
8 child. If that parent requests custody, the court shall place the child  
9 with the parent unless it finds that placement with that parent would  
10 be detrimental to the safety, protection, or physical or emotional  
11 well-being of the child.

12 (b) If the court places the child with that parent it may do any  
13 of the following:

14 (1) Order that the parent become legal and physical custodian  
15 of the child. The court may also provide reasonable visitation by  
16 the noncustodial parent. The court shall then terminate its  
17 jurisdiction over the child. The custody order shall continue unless  
18 modified by a subsequent order of the superior court. The order  
19 of the juvenile court shall be filed in any domestic relation  
20 proceeding between the parents.

21 (2) Order that the parent assume custody subject to the  
22 jurisdiction of the juvenile court and require that a home visit be  
23 conducted within three months. In determining whether to take  
24 the action described in this paragraph, the court shall consider any  
25 concerns that have been raised by the child's current caregiver  
26 regarding the parent. After the social worker conducts the home

1 visit and files his or her report with the court, the court may then  
2 take the action described in paragraph (1), (3), or this paragraph.  
3 However, nothing in this paragraph shall be interpreted to imply  
4 that the court is required to take the action described in this  
5 paragraph as a prerequisite to the court taking the action described  
6 in either paragraph (1) or paragraph (3).

7 (3) Order that the parent assume custody subject to the  
8 supervision of the juvenile court. In that case the court may order  
9 that reunification services be provided to the parent or guardian  
10 from whom the child is being removed, or the court may order that  
11 services be provided solely to the parent who is assuming physical  
12 custody in order to allow that parent to retain later custody without  
13 court supervision, or that services be provided to both parents, in  
14 which case the court shall determine, at review hearings held  
15 pursuant to Section 366, which parent, if either, shall have custody  
16 of the child.

17 (c) The court shall make a finding either in writing or on the  
18 record of the basis for its determination under subdivisions (a) and  
19 (b).

20 (d) Part 6 (commencing with Section 7950) of Division 12 of  
21 the Family Code shall apply to the placement of a child pursuant  
22 to paragraphs (1) and (2) of subdivision (e).

23 (e) When the court orders removal pursuant to Section 361, the  
24 court shall order the care, custody, control, and conduct of the  
25 child to be under the supervision of the social worker who may  
26 place the child in any of the following:

27 (1) The home of a noncustodial parent as described in  
28 subdivision (a).

29 (2) The approved home of a relative.

30 (3) The approved home of a nonrelative extended family  
31 member as defined in Section 362.7.

32 (4) A foster home in which the child has been placed before an  
33 interruption in foster care, if that placement is in the best interest  
34 of the child and space is available.

35 (5) A suitable licensed community care facility.

36 (6) With a foster family agency to be placed in a suitable  
37 licensed foster family home or certified family home which has  
38 been certified by the agency as meeting licensing standards.

39 (7) A home or facility in accordance with the federal Indian  
40 Child Welfare Act.

1 (8) A child under the age of six years may be placed in a  
2 community care facility licensed as a group home for children, or  
3 a temporary shelter care facility as defined in Section 1530.8 of  
4 the Health and Safety Code, only under any of the following  
5 circumstances:

6 (A) When a case plan indicates that placement is for purposes  
7 of providing specialized treatment to the child, the case plan  
8 specifies the need for, nature of, and anticipated duration of this  
9 treatment, and the facility meets the applicable regulations adopted  
10 under Section 1530.8 of the Health and Safety Code and standards  
11 developed pursuant to Section 11467.1. The specialized treatment  
12 period shall not exceed 120 days, unless additional time is needed  
13 pursuant to the case plan as documented by the caseworker and  
14 approved by the caseworker's supervisor.

15 (B) When a case plan indicates that placement is for purposes  
16 of providing family reunification services. In addition, the facility  
17 offers family reunification services that meet the needs of the  
18 individual child and his or her family, permits parents to have  
19 reasonable access to their children 24 hours a day, encourages  
20 extensive parental involvement in meeting the daily needs of their  
21 children, and employs staff trained to provide family reunification  
22 services. In addition, one of the following conditions exists:

23 (i) The child's parent is also a ward of the court and resides in  
24 the facility.

25 (ii) The child's parent is participating in a treatment program  
26 affiliated with the facility and the child's placement in the facility  
27 facilitates the coordination and provision of reunification services.

28 (iii) Placement in the facility is the only alternative that permits  
29 the parent to have daily 24-hour access to the child in accordance  
30 with the case plan, to participate fully in meeting all of the daily  
31 needs of the child, including feeding and personal hygiene, and to  
32 have access to necessary reunification services.

33 (9) *Nothing in this subdivision shall be construed to allow a*  
34 *social worker to place a dependent child, who is a citizen of the*  
35 *United States, outside the United States, except as specified in*  
36 *subdivision (f).*

37 (f) (1) *A child under the supervision of a social worker pursuant*  
38 *to subdivision (e), who is a citizen of the United States, shall not*  
39 *make a placement outside the United States prior to a judicial*  
40 *finding that the placement is in the best interest of the child.*

1     (2) *The social worker shall carry the burden of proof and must*  
2 *show, by clear and convincing evidence, that placement outside*  
3 *the United States is in the best interest of the child.*

4     (3) *In determining the best interest of the child, the court shall*  
5 *consider, but not be limited to, the following factors:*

6     (A) *Placement of siblings in the same home.*

7     (B) *Amount and nature of any contact between the child and*  
8 *the potential guardian or caretaker.*

9     (C) *Physical and medical needs of the dependent child.*

10    (D) *Psychological and emotional needs of the dependent child.*

11    (E) *Social, cultural, and educational needs of the dependent*  
12 *child.*

13    (F) *Specific desires of any dependent child who is 12 years of*  
14 *age or older.*

15    (4) *If the court finds that a placement outside the United States*  
16 *is, by clear and convincing evidence, in the best interest of the*  
17 *child, the court shall issue an order authorizing the social worker*  
18 *to make a placement outside the United States. A child subject to*  
19 *this subdivision shall not leave the United States prior to the*  
20 *issuance of the order described in this paragraph.*

21    (5) *For purposes of this subdivision, “outside the United States”*  
22 *shall not include the lands of any federally recognized American*  
23 *Indian tribe or Alaskan Natives.*

24    (6) *This subdivision shall not apply to the placement of a*  
25 *dependent child with a parent.*

26    ~~(f)~~

27    (g) (1) *If the child is taken from the physical custody of the*  
28 *child’s parent or guardian and unless the child is placed with*  
29 *relatives, the child shall be placed in foster care in the county of*  
30 *residence of the child’s parent or guardian in order to facilitate*  
31 *reunification of the family.*

32    (2) *In the event that there are no appropriate placements*  
33 *available in the parent’s or guardian’s county of residence, a*  
34 *placement may be made in an appropriate place in another county,*  
35 *preferably a county located adjacent to the parent’s or guardian’s*  
36 *community of residence.*

37    (3) *Nothing in this section shall be interpreted as requiring*  
38 *multiple disruptions of the child’s placement corresponding to*  
39 *frequent changes of residence by the parent or guardian. In*  
40 *determining whether the child should be moved, the social worker*

1 shall take into consideration the potential harmful effects of  
2 disrupting the placement of the child and the parent's or guardian's  
3 reason for the move.

4 (4) When it has been determined that it is necessary for a child  
5 to be placed in a county other than the child's parent's or guardian's  
6 county of residence, the specific reason the out-of-county  
7 placement is necessary shall be documented in the child's case  
8 plan. If the reason the out-of-county placement is necessary is the  
9 lack of resources in the sending county to meet the specific needs  
10 of the child, those specific resource needs shall be documented in  
11 the case plan.

12 (5) When it has been determined that a child is to be placed  
13 out-of-county either in a group home or with a foster family agency  
14 for subsequent placement in a certified foster family home, and  
15 the sending county is to maintain responsibility for supervision  
16 and visitation of the child, the sending county shall develop a plan  
17 of supervision and visitation that specifies the supervision and  
18 visitation activities to be performed and specifies that the sending  
19 county is responsible for performing those activities. In addition  
20 to the plan of supervision and visitation, the sending county shall  
21 document information regarding any known or suspected dangerous  
22 behavior of the child that indicates the child may pose a safety  
23 concern in the receiving county. Upon implementation of the Child  
24 Welfare Services Case Management System, the plan of  
25 supervision and visitation, as well as information regarding any  
26 known or suspected dangerous behavior of the child, shall be made  
27 available to the receiving county upon placement of the child in  
28 the receiving county. If placement occurs on a weekend or holiday,  
29 the information shall be made available to the receiving county on  
30 or before the end of the next business day.

31 (6) When it has been determined that a child is to be placed  
32 out-of-county and the sending county plans that the receiving  
33 county shall be responsible for the supervision and visitation of  
34 the child, the sending county shall develop a formal agreement  
35 between the sending and receiving counties. The formal agreement  
36 shall specify the supervision and visitation to be provided the child,  
37 and shall specify that the receiving county is responsible for  
38 providing the supervision and visitation. The formal agreement  
39 shall be approved and signed by the sending and receiving counties  
40 prior to placement of the child in the receiving county. In addition,

1 upon completion of the case plan, the sending county shall provide  
2 a copy of the completed case plan to the receiving county. The  
3 case plan shall include information regarding any known or  
4 suspected dangerous behavior of the child that indicates the child  
5 may pose a safety concern to the receiving county.

6 ~~(g)~~

7 (h) Whenever the social worker must change the placement of  
8 the child and is unable to find a suitable placement within the  
9 county and must place the child outside the county, the placement  
10 shall not be made until he or she has served written notice on the  
11 parent or guardian at least 14 days prior to the placement, unless  
12 the child's health or well-being is endangered by delaying the  
13 action or would be endangered if prior notice were given. The  
14 notice shall state the reasons which require placement outside the  
15 county. The parent or guardian may object to the placement not  
16 later than seven days after receipt of the notice and, upon objection,  
17 the court shall hold a hearing not later than five days after the  
18 objection and prior to the placement. The court shall order  
19 out-of-county placement if it finds that the child's particular needs  
20 require placement outside the county.

21 ~~(h)~~

22 (i) Where the court has ordered removal of the child from the  
23 physical custody of his or her parents pursuant to Section 361, the  
24 court shall consider whether the family ties and best interest of the  
25 child will be served by granting visitation rights to the child's  
26 grandparents. The court shall clearly specify those rights to the  
27 social worker.

28 ~~(i)~~

29 (j) Where the court has ordered removal of the child from the  
30 physical custody of his or her parents pursuant to Section 361, the  
31 court shall consider whether there are any siblings under the court's  
32 jurisdiction, the nature of the relationship between the child and  
33 his or her siblings, the appropriateness of developing or maintaining  
34 the sibling relationships pursuant to Section 16002, and the impact  
35 of the sibling relationships on the child's placement and planning  
36 for legal permanence.

37 ~~(j)~~

38 (k) (1) When an agency has placed a child with a relative  
39 caregiver, a nonrelative extended family member, a licensed foster  
40 family home, or a group home, the agency shall ensure placement

1 of the child in a home that, to the fullest extent possible, best meets  
2 the day-to-day needs of the child. A home that best meets the  
3 day-to-day needs of the child shall satisfy all of the following  
4 criteria:

5 (A) The child's caregiver is able to meet the day-to-day health,  
6 safety, and well-being needs of the child.

7 (B) The child's caregiver is permitted to maintain the least  
8 restrictive and most family-like environment that serves the  
9 day-to-day needs of the child.

10 (C) The child is permitted to engage in reasonable,  
11 age-appropriate day-to-day activities that promote the most  
12 family-like environment for the foster child.

13 (2) The foster child's caregiver shall use a reasonable and  
14 prudent parent standard, as defined in paragraph (2) of subdivision  
15 (a) of Section 362.04, to determine day-to-day activities that are  
16 age-appropriate to meet the needs of the child. Nothing in this  
17 section shall be construed to permit a child's caregiver to permit  
18 the child to engage in day-to-day activities that carry an  
19 unreasonable risk of harm, or subject the child to abuse or neglect.

20 SEC. 2. Section 366 of the Welfare and Institutions Code is  
21 amended to read:

22 366. (a) (1) The status of every dependent child in foster care  
23 shall be reviewed periodically as determined by the court but no  
24 less frequently than once every six months, as calculated from the  
25 date of the original dispositional hearing, until the hearing  
26 described in Section 366.26 is completed. The court shall consider  
27 the safety of the child and shall determine all of the following:

28 (A) The continuing necessity for and appropriateness of the  
29 placement.

30 (B) The extent of the agency's compliance with the case plan  
31 in making reasonable efforts, or, in the case of an Indian child,  
32 active efforts as described in Section 361.7, to return the child to  
33 a safe home and to complete any steps necessary to finalize the  
34 permanent placement of the child, including efforts to maintain  
35 relationships between a child who is 10 years of age or older and  
36 who has been in an out-of-home placement for six months or  
37 longer, and individuals other than the child's siblings who are  
38 important to the child, consistent with the child's best interests.

39 (C) Whether there should be any limitation on the right of the  
40 parent or guardian to make educational decisions for the child.



1 That limitation shall be specifically addressed in the court order  
2 and may not exceed those necessary to protect the child. Whenever  
3 the court specifically limits the right of the parent or guardian to  
4 make educational decisions for the child, the court shall at the  
5 same time appoint a responsible adult to make educational  
6 decisions for the child pursuant to Section 361.

7 (D) (i) Whether the child has other siblings under the court's  
8 jurisdiction, and, if any siblings exist, all of the following:

9 (I) The nature of the relationship between the child and his or  
10 her siblings.

11 (II) The appropriateness of developing or maintaining the sibling  
12 relationships pursuant to Section 16002.

13 (III) If the siblings are not placed together in the same home,  
14 why the siblings are not placed together and what efforts are being  
15 made to place the siblings together, or why those efforts are not  
16 appropriate.

17 (IV) If the siblings are not placed together, the frequency and  
18 nature of the visits between siblings.

19 (V) The impact of the sibling relationships on the child's  
20 placement and planning for legal permanence.

21 (VI) The continuing need to suspend sibling interaction, if  
22 applicable, pursuant to subdivision (c) of Section 16002.

23 (ii) The factors the court may consider in making a determination  
24 regarding the nature of the child's sibling relationships may  
25 include, but are not limited to, whether the siblings were raised  
26 together in the same home, whether the siblings have shared  
27 significant common experiences or have existing close and strong  
28 bonds, whether either sibling expresses a desire to visit or live with  
29 his or her sibling, as applicable, and whether ongoing contact is  
30 in the child's best emotional interests.

31 (E) The extent of progress that has been made toward alleviating  
32 or mitigating the causes necessitating placement in foster care.

33 (F) On and after January 1, 2012, if the review hearing is the  
34 last review hearing to be held before the child attains 18 years of  
35 age, the court shall ensure all of the following:

36 (i) That the child's transitional independent living case plan  
37 includes a plan for the child to satisfy one or more of the criteria  
38 set forth in subdivision (b) of Section 11403, so that the child is  
39 eligible to remain a nonminor dependent.

1 (ii) That the child has been informed of his or her right to seek  
2 termination of dependency jurisdiction pursuant to Section 391,  
3 and understands the potential benefits of continued dependency.

4 (iii) That the child is informed of his or her right to have  
5 dependency reinstated pursuant to subdivision (e) of Section 388,  
6 and understands the potential benefits of continued dependency.

7 (2) The court shall project a likely date by which the child may  
8 be returned to and safely maintained in the home or placed for  
9 adoption, legal guardianship, or in another planned permanent  
10 living arrangement.

11 (b) Subsequent to the hearing, periodic reviews of each child  
12 in foster care shall be conducted pursuant to the requirements of  
13 Sections 366.3 and 16503.

14 (c) If the child has been placed out of state, each review  
15 described in subdivision (a) and any reviews conducted pursuant  
16 to Sections 366.3 and 16503 shall also address whether the  
17 out-of-state placement continues to be the most appropriate  
18 placement selection and in the best interests of the child.

19 *(d) (1) A review described in subdivision (a) and any reviews*  
20 *conducted pursuant to Sections 366.3 and 16503 shall not result*  
21 *in a placement of a child, who is a citizen of the United States,*  
22 *outside the United States prior to a judicial finding that the*  
23 *placement is in the best interest of the child.*

24 *(2) The social worker or placing agency shall carry the burden*  
25 *of proof and must show, by clear and convincing evidence, that a*  
26 *placement outside the United States is in the best interest of the*  
27 *child.*

28 *(3) In determining the best interest of the child, the court shall*  
29 *consider, but not be limited to, the following factors:*

30 *(A) Placement of siblings in the same home.*

31 *(B) Amount and nature of any contact between the child and*  
32 *the potential guardian or caretaker.*

33 *(C) Physical and medical needs of the dependent child.*

34 *(D) Psychological and emotional needs of the dependent child.*

35 *(E) Social, cultural, and educational needs of the dependent*  
36 *child.*

37 *(F) Specific desires of any dependent child who is 12 years of*  
38 *age or older.*

39 *(4) If the court finds that a placement outside the United States*  
40 *is, by clear and convincing evidence, in the best interest of the*

1 *child, the court shall issue an order authorizing the social worker*  
2 *or placing agency to make a placement outside the United States.*  
3 *A child subject to this subdivision shall not leave the United States*  
4 *prior to the issuance of the order described in this paragraph.*

5 *(5) For purposes of this subdivision, “outside the United States”*  
6 *shall not include the lands of any federally recognized American*  
7 *Indian tribe or Alaskan Natives.*

8 *(6) This section shall not apply to the placement of a dependent*  
9 *child with a parent.*

10 ~~(d)~~

11 *(e) A child may not be placed in an out-of-state group home,*  
12 *or remain in an out-of-state group home, unless the group home*  
13 *is in compliance with Section 7911.1 of the Family Code.*

14 ~~(e)~~

15 *(f) The implementation and operation of the amendments to*  
16 *subparagraph (B) of paragraph (1) of subdivision (a) enacted at*  
17 *the 2005–06 Regular Session shall be subject to appropriation*  
18 *through the budget process and by phase, as provided in Section*  
19 *366.35.*

20 ~~(f)~~

21 *(g) On and after January 1, 2012, the status review of every*  
22 *nonminor dependent, as defined in subdivision (v) of Section*  
23 *11400, shall be conducted pursuant to the requirements of Sections*  
24 *366.3 and 16503 until dependency jurisdiction is terminated*  
25 *pursuant to Section 391. The review shall include all of the issues*  
26 *set forth in subdivision (a), except subparagraph (C) of paragraph*  
27 *(1) of subdivision (a), and shall be conducted in a manner that*  
28 *respects the nonminor dependent’s status as a legal adult, be*  
29 *focused on the goals and services described in the nonminor*  
30 *dependent’s transitional independent living case plan, including*  
31 *efforts made to achieve permanence, including maintaining or*  
32 *obtaining permanent connections with caring and committed adults,*  
33 *and attended as appropriate by additional participants invited by*  
34 *the nonminor dependent. An appropriate placement for a nonminor*  
35 *dependent may include a supervised independent living setting,*  
36 *as described in Section 11400.*

37 SEC. 3. Section 16010.6 of the Welfare and Institutions Code  
38 is amended to read:

39 16010.6. (a) As soon as a placing agency makes a decision  
40 with respect to a placement or a change in placement of a

1 dependent child, but not later than the close of the following  
2 business day, the placing agency shall notify the child's attorney  
3 and provide to the child's attorney information regarding the child's  
4 address, telephone number, and caregiver.

5 *(b) (1) A placing agency shall not make a placement or a*  
6 *change in placement of a child, who is a citizen of the United*  
7 *States, outside the United States prior to a judicial finding that*  
8 *the placement is in the best interest of the child.*

9 *(2) The placing agency shall carry the burden of proof and must*  
10 *show, by clear and convincing evidence, that placement outside*  
11 *the United States is in the best interest of the child.*

12 *(3) In determining the best interest of the child, the court shall*  
13 *consider, but not be limited to, the following factors:*

14 *(A) Placement of siblings in the same home.*

15 *(B) Amount and nature of any contact between the child and*  
16 *the potential guardian or caretaker.*

17 *(C) Physical and medical needs of the dependent child.*

18 *(D) Psychological and emotional needs of the dependent child.*

19 *(E) Social, cultural, and educational needs of the dependent*  
20 *child.*

21 *(F) Specific desires of any dependent child who is 12 years of*  
22 *age or older.*

23 *(4) If the court finds that a placement outside the United States*  
24 *is, by clear and convincing evidence, in the best interest of the*  
25 *child, the court shall issue an order authorizing the placing agency*  
26 *to make a placement outside the United States. A child subject to*  
27 *this subdivision shall not leave the United States prior to the*  
28 *issuance of the order described in this paragraph.*

29 *(5) For purposes of this subdivision, "outside the United States"*  
30 *shall not include the lands of any federally recognized American*  
31 *Indian tribe or Alaskan Natives.*

32 *(6) This section shall not apply to the placement of a dependent*  
33 *child with a parent.*

34 ~~(b)~~

35 *(c) Absent exigent circumstances, as soon as a placing agency*  
36 *becomes aware of the need for a change in placement of a*  
37 *dependent child that will result in the separation of siblings*  
38 *currently placed together, the placing agency shall notify the child's*  
39 *attorney and the child's siblings' attorney of this proposed*  
40 *separation no less than 10 calendar days prior to the planned change*

1 of placement so that the attorneys may investigate the  
2 circumstances of the proposed separation. If the placing agency  
3 first becomes aware, by written notification from a foster family  
4 agency, group home, or other foster care provider, of the need for  
5 a change in placement for a dependent child that will result in the  
6 separation of siblings currently placed together, and that the child  
7 or children shall be removed within seven days, then notice shall  
8 be provided to the attorneys by the end of the next business day  
9 after the receipt of notice from the provider. In an emergency, the  
10 placing agency shall provide notice as soon as possible, but no  
11 later than the close of the first business day following the change  
12 of placement. This notification shall be deemed sufficient notice  
13 for the purposes of subdivision (a).

14 ~~(e)~~

15 *(d)* When the required notice is given prior to a change in  
16 placement, the notice shall include information regarding the  
17 child's address, telephone number, and caregiver or any one or  
18 more of these items of information to the extent that this  
19 information is known at the time that the placing agency provides  
20 notice to the child's attorney. When the required notice is given  
21 after the change in placement, notice shall include information  
22 regarding the child's address, telephone number, and caregiver.

23 ~~(d)~~

24 *(e)* The Judicial Council shall adopt a rule of court directing the  
25 attorney for a child for whom a dependency petition has been filed,  
26 upon receipt from the agency responsible for placing the child of  
27 the name, address, and telephone number of the child's caregiver,  
28 to timely provide the attorney's contact information to the caregiver  
29 and, if the child is 10 years of age or older, to the child. This rule  
30 does not preclude an attorney from giving contact information to  
31 a child who is younger than 10 years of age.

32 SEC. 4. If the Commission on State Mandates determines that  
33 this act contains costs mandated by the state, reimbursement to  
34 local agencies and school districts for those costs shall be made  
35 pursuant to Part 7 (commencing with Section 17500) of Division  
36 4 of Title 2 of the Government Code.